IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.THANKAPPAN

THURSDAY, THE 27TH SEPTEMBER 2007 / 5TH ASWINA 1929

CRL.A.No. 1770 of 2007()

CC.296/2001 of JUDL. MAGISTRATE OF FIRST CLASS COURT-I, ATTINGAL

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APPELLANT: APPELLANT/COMPLAINANT

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. THOMAS JOHN AMBOOKKAN

RESPONDENTS: ACCUSED NO.3

ANILDAS, S/O.HARIDAS,
PATTLA VARAYATHU VEEDU, ALAMCODE VILLAGE.

THIS CRIMINAL APPEAL HAVING COME UP FOR ADMISSION ON 27/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. THANKAPPAN, J.

CRL.A.NO.1770 OF 2007-A

Dated this the 27th day of September, 2007.

JUDGMENT

This appeal is filed by the State against the acquittal of the 3rd accused in Crime No.299/1997 of Attingal Police Station. He faced trial for the offences punishable under Sections 143, 147,149,447 and 427 of I.P.C. The respondent/accused No.3 was charge sheeted along with seventeen other accused in the above case. Out of whom, accused Nos.2, 5,6 to 18 faced trial by the same court and they were acquitted and as the present respondent and accused 1 and 4 were absconding, their case has been split up and on the appearance of the present respondent namely Accused No.3, a charge was framed against the present respondent alone and he faced trial. After considering the entire evidence adduced by the prosecution, the trial court found that, even though it was alleged that, the respondent alone with other 17 accused committed the offences in furtherance of their common object and the prosecution had not proved any case against the other accused. In the present case also, the trial court found that even though PW1 was examined before the court, who had stated

that all the accused trespassed into the property belongs to the husband of PW1 and cut open a road which caused a loss of Rs.1,50,000/=. The evidence adduced by the other witnesses, who were examined as occurrence witnesses, do not support the case of PW1 and that apart, the trial court also found that the evidence given by PW1 is not enough to prove the case against the accused in the case. After considering all other evidence produced before the court, the trial court found that the present respondent/accused No.3 is also not liable to be punished for any offences, against which this appeal is filed.

After going through the judgment and on hearing the learned Public Prosecutor and also on perusing the records produced before the court, this Court is of the view that the finding entered by the trial court is on evidence and it requires no interference . Accordingly, this appeal stands dismissed confirming the judgment of the court below.

K. THANKAPPAN, JUDGE.

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